

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/800/2021



This the 18th day of May, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Gulsher Khan, Age 40 years, S/o Sh. Saif Mohd. Malik
R/o Village Rahya, Tehsil Vijaypur, District Samba – 181143.

.....(Petitioner)

(Advocate:- Mr. Mohd. Latif Malik)

Versus

1. U. T. of Jammu and Kashmir through Commissioner Municipal Corporation, Jammu - 180001.
2. Joint Commissioner (Adm), Municipal Corporation, Jammu- 180001.
3. Executive Engineer, Municipal Corporation, Division-III, UEED Complex, Yard No. 1 Transport Nagar Narwal Jammu – 180017.
4. Superintending Engineer, Sewerage and Drainage Circle (UEED), Jammu – 180017.
5. Executive Engineer, Sewerage and Drainage Division (West), UEED Complex, Yard No. 1 Transport Nagar Narwal Jammu – 180017.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G. for Mr. Amit Gupta, learned A.A.G.)

**ORDER
[ORAL]**

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The applicant was appointed as Draftsman by Public Works (R&B) Department and was attached with the Office of Joint Commissioner (works), Municipal Corporation, Jammu (JMC) from UEED and was again adjusted in the office of the Executive Engineer, Municipal Corporation, Division-III, Jammu, however, he has not been paid



the salary since October, 2020 except for the month for the January 2021. The applicant approached the Commissioner, Municipal Corporation, Jammu with a representation requesting therein to release his salary and repatriate him to his parent. It is further stated that one Mr. Rohit Gupta was posted with the Executive Engineer Division-III to look after and perform the duties which the applicant was performing on attachment basis but the applicant was not repatriated to his parent department. Applicant filed another representation on 06.05.2021 seek repatriation to his department as well as release of his salary, however, the respondents have not taken any action on the aforementioned representation till today. Hence, the present O.A.

2. Learned counsel for the applicant submits that the applicant would be satisfied, if a direction is issued to the respondents to take a decision on the representation dated 06.05.2021 (Annexure A-14) preferred by the applicant and pass a reasoned and speaking order on the same within a stipulated time frame.

3. We have heard Mr. Mohd Latif Malik, learned counsel for the applicant and Mr. Rajesh Thappa, learned D.A.G. for Mr. Amit Gupta, learned A.A.G. for the respondents and perused the record.

4. Looking to the limited prayer made by the learned counsel for the applicant as well as the facts and circumstances of the case, we dispose of the O.A. with direction to the Respondent No. 1 i.e., Commissioner, Municipal Corporation, Jammu to take a decision on the representation dated 06.05.2021 (Annexure A-14 to the O.A.) by passing a reasoned and speaking order within a period of two weeks from the date of receipt of certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. No orders as to cost.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/Shashi/Arun